

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PACIFIC INDEMNITY COMPANY

15 Mountain View Road

Warren, NJ 07061-1615

Plaintiff,

RWZ

Civil Action No.: 04-11975-

V.

ALFRED KEMP, Individually and d/b/a

## KEMP PLUMBING

P.O. Box 1322

Pembroke, MA 02359

and

MARTIN SANDBORG, Individually and d/b/a

## SANDBORG PLUMBING AND HEATING

13 Liberty Street

Sandwich, MA 02563,

Defendants.

**DEFENDANT ALFRED KEMP D/B/A KEMP PLUMBING'S  
OBJECTIONS TO PLAINTIFF'S PROPOSED EXHIBITS**

The defendant Kemp objects to the following proposed exhibits from plaintiff:

<b>Plaintiff Exhibit No.</b>	<b>Objection</b>
1	This report contains inadmissible hearsay. Defendant will reconsider its objection should Mr. McGinn testify.
2dd	This photo is not authentic and was staged. Defendant was deprived of the right to review this evidence at the fire scene by the conduct of plaintiff's expert.
2ee	This photo is not authentic and was staged. Defendant was deprived of the right to review this evidence at the fire scene by the conduct of plaintiff's expert.

<b>Plaintiff Exhibit No.</b>	<b>Objection</b>
2hh	The person pointing at the hole is not evidence and amounts to improper argument to the jury via an exhibit
3A	The person pointing at the hole is not evidence and amounts to improper argument to the jury via an exhibit
3V	The pen pointing at the hole is not evidence and amounts to improper argument to the jury via an exhibit
15A thru 15P	These documents including the arrows are not evidence but, rather, are an inauthentic rendering of the scene and an animated version of plaintiff's expert's contested opinion. As such, they are inadmissible.
17B	The defendant does not agree with the symbols set forth on Ex. 17B and do not believe they accurately reflect the evidence.
19A-19E	These are not representative of the evidence in this case but were created by plaintiff's expert without an established protocol or an opportunity for defendant to observe the process by which they were created. They are inauthentic and, as such are more prejudicial than probative. Exemplars are not evidence.
20A-20C	These are not representative of the evidence in this case but were created by plaintiff's expert without an established protocol or an opportunity for the defendant to observe the process by which they were created. They are inauthentic and, as such are more prejudicial than probative. Exemplars are not evidence.
21A-21B	These are not representative of the evidence in this case but were created by plaintiff's expert without an established protocol or an opportunity for the defendant to observe the process by which they were created. They are inauthentic and, as such are more prejudicial than probative. This test does not bear any reasonable relationship to the conditions present at the Marino Carriage House.
35	This photo is not authentic and was staged. Defendant was deprived of the right to review this evidence at the fire scene by the conduct of plaintiff's expert.

Respectfully submitted,  
Defendants,  
Alfred Kemp, Individually and d/b/a Kemp  
Plumbing  
By their attorney,

/s/ Christopher G. Betke  
Christopher G. Betke, BBO# 552588  
Ryan, Coughlin & Betke, LLP  
175 Federal Street  
Boston, MA 02110  
(617) 988-8050

**CERTIFICATE OF SERVICE**

I, Christopher G. Betke, hereby certify that on March 25, 2007, I served a copy of the within document via electronic filing to: Matthew H. Feinburg, Esq., Feinberg & Kamholtz, 125 Summer Street, 6<sup>th</sup> Floor, Boston MA 02110; Daniel Q. Harrington, Esq., Cozen & O'Connor, 1900 Market Street 3<sup>rd</sup> Floor, Philadelphia, PA 19103; Philip Tierney, Esq., Finnegan, Underwood, Ryan & Tierney, 22 Battery March Street, Boston, MA 02109.

/s/ Christopher G. Betke  
Christopher G. Betke